

---

## **OLR Bill Analysis**

**sHB 5506 (as amended by House "A")\***

### ***AN ACT CONCERNING SCRAP METAL SOLD ON BEHALF OF MUNICIPALITIES.***

#### **SUMMARY:**

This bill prohibits scrap metal processors, junk dealers, or junkyard owners or operators (processors, dealers, or owners) from purchasing or receiving property which they suspect, or have reasonable cause to believe, is municipal property, unless the person delivering the property contemporaneously presents a letter from the municipality authorizing the transaction. The authorization letter must be on municipal letterhead and signed by either the municipal (1) chief executive officer or (2) department head responsible for maintaining the property. Under the bill, processors, dealers, or owners must send payment for the property to the municipal official designated in the letter. Violations of the bill's requirements are misdemeanors, subjecting violators to fines, imprisonment, or both.

Even if a seller presents a municipal authorization letter, existing law, unchanged by the bill, requires a processor, dealer, or owner to immediately notify and give the municipal law enforcement authority in his or her jurisdiction the name and license plate number of anyone offering to sell a bronze statue, plaque, historical marker, cannon, cannon ball, lamp, lamp post, lighting fixture, architectural artifact, or similar item (CGS § 21-11a(c)).

\*House Amendment "A" (1) eliminates changes made by the original bill to the law on notifying law enforcement authorities and (2) retains and modifies the original bill's requirements concerning the purchase of municipal property.

EFFECTIVE DATE: October 1, 2014

#### **PENALTIES FOR PURCHASING MUNICIPAL PROPERTY**

The bill extends the penalties under existing law for violating scrap metal sales laws to processors, dealers, or owners who violate the bill's requirements concerning municipal property. Table 1 lists the fines and prison terms associated with these penalties.

**Table 1: Penalties for Scrap Metal Sales Violations**

<i>Violation</i>	<i>Classification</i>	<i>Maximum Prison Term</i>	<i>Maximum Fine</i>
First	Class C misdemeanor	3 months	\$500
Second	Class B misdemeanor	6 months	\$1,000
Third and subsequent	Class A misdemeanor	1 year	\$2,000

## **BACKGROUND**

### ***Larceny***

In addition to penalties under the bill, a person is guilty of “larceny by receiving stolen property” if he or she receives, retains, or disposes of stolen property (1) knowing that it has probably been stolen or (2) believing that it has probably been stolen, unless the property is received, retained, or disposed of with the purpose of restoring it to the owner (CGS § 53a-119(8)).

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/25/2014)